

REMARKS

Status of Claims:

Claims 1-27 and 30-32 are cancelled. New claims 33-53 are added. Thus, claims 28-29 and 33-53 are present for examination.

Claim Rejection:

Claims 1-5, 7-17, and 19-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eder (U.S. Patent No. 5,615,109) in view of Ojha et al. (U.S. Patent No. 6,598,026) (hereinafter Ojha).

Claims 1-5, 7-17, 19-27, and 30-32 have been cancelled.

With respect to claims 28-29 the rejection is respectfully traversed.

Independent claim 28, as amended, recites in a computer, a method for determining whether or not to bid on a bid item Y, the method comprising:

“a) storing, in a memory device, a logical formula representing a logical OR of a bid item X and the bid item Y, a value table containing values x_m and y_m of respective ones of the bid items X and Y, present prices x and y of respective ones of the bid items X and Y, and a total purchasing fund T;

b) determining, by the computer, whether $y < y_m$ (hereafter, called Condition 1) is satisfied;

c) determining, by the computer, whether $y < (T + y_m - x_m)/2$ (hereafter, called Condition 2) is satisfied;

d) determining, by the computer, whether $y - y_m < x - x_m$ (hereafter, called Condition 3) is satisfied;

e) determining, by the computer, not to bid on the bid item Y in a case where the Condition 1 is not satisfied;

f) determining, by the computer, to bid on the bid item Y in cases where (i) the Conditions 1 and 2 are satisfied, or (ii) the Condition 1 is satisfied, the Condition 2 is not satisfied, and the Condition 3 is satisfied; and

g) determining, by the computer in accordance with a parameterized decision function, whether or not to bid on the bid item Y in a case where the Condition 1 is satisfied and the Conditions 2 and 3 are not satisfied." (Emphasis Added).

Support for amended claim 28 is found in FIGs. 15, 16, 17, and 18 of the present application, and in the present specification at page 33, line 19 to page 39, line 19.

Neither Eder nor Ojha, alone or in combination, disclose or suggest a method including the above-quoted features for at least the following three reasons.

First, neither Eder nor Ojha, alone or in combination, disclose or suggest determining whether a present price y of a bid item Y is less than one-half of a difference of (a) a sum of a total purchasing fund T and a value ym of the bid item Y and (b) a value xm of a bid item X. The Examiner points to Eder, columns 65-72, as disclosing such a feature. (Office Action; page 10). However, the equations in columns 65-72 of Eder are only concerned with maximizing profit by, for example, subtracting a sum of forecast period requisition costs and a change in storage cost during forecast period from a forecast period sales revenue. (Eder; column 67, lines 55-65). Such equations in Eder are completely different from the equations in the present claim.

Second, neither Eder nor Ojha, alone or in combination, disclose or suggest determining whether a present price y of a bid item Y minus a value ym of the bid item Y is less than a present price x of a bid item X minus a value xm of the bid item X. The Examiner points to Eder, columns 65-72, as disclosing such a feature. However, the equations in columns 65-72 of Eder are only concerned with maximizing profit by, for example, subtracting a sum of forecast period requisition costs and a change in storage cost during forecast period from a forecast period sales revenue. (Eder; column 67, lines 55-65). Such equations in Eder are completely different from the equations in the present claim.

Third, neither Eder nor Ojha, alone or in combination, disclose or suggest determining, by a computer, to bid on a bid item Y in cases where (i) the Conditions 1 [$y < y_m$] and 2 [$y < (T + y_m - x_m)/2$] are satisfied, or (ii) the Condition 1 is satisfied, the Condition 2 is not satisfied, and the Condition 3 [$y - y_m < x - x_m$] is satisfied. The Examiner

points to Eder, columns 65-72, as disclosing such features. However, the system of Eder does not even make the determinations related to the Conditions in the present claim, so it would be impossible for the system of Eder to determine to bid on an item based on such Conditions.

Ojha does not cure the deficiencies with respect to the teaching of Eder discussed above, because the system of Ojha similarly does not make the claimed determinations.

Therefore, independent claim 28, as amended, is neither disclosed nor suggested by the Eder and Ojha references and, hence, is believed to be allowable. The Patent Office has not made out a *prima facie* case of obviousness under 35 U.S.C. 103.

Independent claim 29, as amended, recites in a computer, a method for determining whether or not to bid on a bid item Y, the method comprising:

“a) storing, in a memory device, a logical formula representing a logical AND of a bid item X and the bid item Y, a value table containing values x_m and y_m of respective ones of the bid items X and Y, present prices x and y of respective ones of the bid items X and Y, a combinatorial value x_{ym} obtainable when the bid items X and Y are both purchased, and a total purchasing fund T;

b) determining, by the computer, whether $y < y_m$ (hereafter, called Condition 1) is satisfied;

c) determining, by the computer, whether $y > x_{ym} - x_m$ (hereafter, called Condition 2) is satisfied;

d) determining, by the computer, whether $x + y > x_{ym}$ (hereafter, called Condition 3) is satisfied;

e) determining, by the computer, to bid on the bid item Y in a case where the Condition 1 is satisfied;

f) determining, by the computer, not to bid on the bid item Y when the Condition 1 is not satisfied and at least one of the Conditions 2 and 3 is satisfied; and

g) determining, by the computer in a case where the Conditions 1 and 2 and 3 are not satisfied, whether or not to bid on the bid item Y based on a result that is calculated in accordance with a parameterized decision equation.” (Emphasis Added).

Support for amended claim 29 is found in FIGs. 19, 20, 21, and 22 of the present application, and in the present specification at page 39, line 20 to page 44, line 14.

Neither Eder nor Ojha, alone or in combination, disclose or suggest a method including the above-quoted features. Neither Eder nor Ojha, alone or in combination, disclose or suggest determining whether a present price y of a bid item Y is greater than a combinatorial value obtainable when both a bid item X and the bid item Y are purchased minus a value xm of the bid item X. Eder merely discloses a profit equation in which a sum of forecast period requisition costs and a change in storage cost during forecast period are subtracted from a forecast period sales revenue. (Eder; column 67, lines 55-65). Such equations in Eder are completely different from the equations in the present claim. Ojha does not cure the deficiencies with respect to the teaching of Eder discussed above, because the system of Ojha similarly does not make the claimed determination.

Therefore, independent claim 29, as amended, is neither disclosed nor suggested by the Eder and Ojha references and, hence, is believed to be allowable. The Patent Office has not made out a *prima facie* case of obviousness under 35 U.S.C. 103.

New claims 33-53 recite features not found in either of Eder or Ojha.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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